

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re: Joseph Pennington, Jr.	:	Chapter 7
	:	
	:	
Debtor	:	Case No. 06-10066 (MFW)
	:	
	:	

**APPELLEE'S DESIGNATION OF ADDITIONAL ITEMS FOR INCLUSION IN THE  
RECORD ON APPEAL AND COUNTER-STATEMENT OF ISSUE TO BE PRESENTED  
ON APPEAL FILED BY THE UNITED STATES TRUSTEE**

Pursuant to Federal Rule of Bankruptcy Procedure 8006, Kelly Beaudin Stapleton, the United States Trustee for Region 3 (“UST”), by and through her counsel, hereby submits Appellee’s Designation of Additional Items for Inclusion in the Record on Appeal and Counter-Statement of Issue to be Presented on Appeal (the “Additional Designation”). Pursuant to Fed. R. Bankr. P. 8006 and Del. Bankr. LR 8006-1, one copy of each item of the record designated herein by the United States Trustee will be provided to the clerk of the Bankruptcy Court within 30 days of the filing of the designation.

**A. Designation of Additional Items to Be Included in the Record on Appeal (Note: Number in parentheses is the number assigned to the item on the Bankruptcy Court’s docket)**

1. List of Creditors (3)
2. Notice Regarding Deficient Filings (4)
3. Notice of Deficiency Regarding Official Form 21 (6)
4. Certificate of Credit Counseling (11)
5. Schedules A-J Summary, Disclosure, Notice to Consumer, Statement of Current Monthly Income Statement of Intentions, SOFA (13)
6. Order Approving Stipulation Terminating Relief From the Automatic Stay (Chrysler) (22)
7. Debtor’s Certification of Completion of Instructional Course Concerning Personal

Financial Management (Official Form 23) (25)

8. Notice of Hearing on The United States Trustee's Motion To Dismiss (27)
9. Minutes of Hearing held on: 06/16/2006 (31)
10. Minutes of Hearing held on: 07/26/2006 (34)
11. Amended Schedule(s) D and F (withdrawn) (45)
12. Notice of Withdrawal of Docket No. 45 (48)
13. Minutes of Hearing held on: 10/04/2006 (52)
14. Transcript of Hearing held on June 16, 2006 before the Honorable Mary F. Walrath, (TBD)
15. Transcript of Hearing held on July 26, 2006 before the Honorable Mary F. Walrath (TBD)

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**B. Counter-Statement of the Issue to Be Presented on Appeal**

1. Whether the Bankruptcy Court abused its discretion, when it granted the United States Trustee's Motion to Dismiss pursuant to 11 U.S.C. 707(b)(3).

**Respectfully submitted,**

**Kelly Beaudin Stapleton  
United States Trustee, Region Three**

By: /s/ William Harrington  
William K. Harrington, Esquire.  
Trial Attorney  
Office of the United States Trustee  
844 King Street, Suite 2207  
Wilmington, DE 19801  
Phone: (302) 573- 6491  
Fax: (302) 573-6497

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